

**FRANKLIN COUNTY BOARD OF COUNTY COMMISSIONERS  
REGULAR MEETING  
FRANKLIN COUNTY COURTHOUSE ANNEX  
AUGUST 3, 2010  
9:00 AM**

**MINUTES**

**Commissioners Present:** Joseph Parrish – Chairman, Noah Lockley – Vice Chairman, Cheryl Sanders, Pinki Jackel, Bevin Putnal

**Others Present:** Marcia Johnson – Clerk of Court, Alan Pierce – Director of Administrative Services, Michael Shuler – County Attorney, Michael Morón – Board Secretary

**Call to Order (9:03 AM)**

Chairman Parrish called the meeting to order.

**Prayer and Pledge (9:03 AM)**

There was a prayer followed by the Pledge of Allegiance.

**Payment of County Bills (9:05 AM)**

**Motion by Lockley, seconded by Sanders, to approve the payment of the County's Bills as presented; Motion carried 5-0.**

Commissioner Putnal asked that AJAX is paid on a timely basis so their subcontractors can also be paid.

Mr. Pierce discussed a problem with the first payment which was not the County's fault.

Commissioners Sanders and Putnal discussed some of the problems this delay caused.

**Approval of the Minutes – Regular Meeting: July 6, 2010 & July 20, 2010 (9:08 AM)**

**Motion by Putnal, seconded by Lockley, to approve the Minutes of the July 6, 2010 and July 20, 2010 regular meetings; Motion carried 5-0.**

Commissioner Sanders welcomed Brian Desloge, a Leon County Commissioner.

Alan Pierce introduced William Briscoe who presented a flag, which was flown over Afghanistan, to the Board.

Chairman Parrish accepted the flag and read a certificate of description that accompanied the flag. He thanked Mr. Briscoe for his service to our Country and for presenting the flag to the Board.

### **Department Supervisor Report**

#### **Hubert Chipman – Superintendent of Public Works (9:13 AM)**

Mr. Chipman presented his report to the Board.

Mr. Chipman asked for Board action to ratify the suggestion that was made at the Budget Workshop, which was to eliminate a supervisor position but have the employee in that position moved to an Operator 3/Inmate Supervisor position with the same salary.

Attorney Shuler advised the Board on this action.

Commissioner Sanders said she had read the personnel rules and wanted to be sure this was done properly. She said she didn't want this action to set precedence for the future.

The Board, Attorney Shuler and Mr. Chipman discussed this matter further.

**Motion by Sanders, seconded by Putnal, to remove the Supervisor position and move the current employee to an Operator 3/Inmate Supervisor at his Supervisor salary and to be sure this action doesn't set precedence as a starting salary for future employees; Motion carried 5-0.**

Mr. Chipman stated that he had already designated someone as a Grader operator.

#### **Van Johnson – Solid Waste Director (9:19 AM)**

Mr. Johnson had no items for Board action and/or approval.

Ralph Whitfield, of Whitfield Recycling, stated that he can offer more money for metal recycling and asked that the Board consider using his company for recycling.

The Board suggested that he meet with Mr. Johnson after the meeting.

#### **Dan Rothwell – County Engineer (9:23 AM)**

Mr. Rothwell had no items for Board action and/or approval.

##### **1. County Engineer Position:**

*In the last twelve (12) months 22 non-grant funded projects have been completed totaling and estimated \$135,000.00 value. The County Engineer has also been involved in acquiring grants funds for S.C.O.P., T.R.I.P., and C.I.G.P. projects. Other work:*

71 hours of meetings

63 hours of phone calls

40 hours of special tasks

2,024 emails received

1,958 emails returned

All totaling an estimated value of **\$270,000.00** if this work was to have been contracted to a professional firm.

**2. 2010 County Paving Project:**

Staff has approved payment of invoice #12 for \$40,828.67 with a balance to finish including retainage of \$1,573,321.78 for the paving project.

**3. Ochlockonee Bay Boat Ramp Invoice:**

Staff has approved payment of invoice #4 for \$80,846.68 with a balance to finish including retainage of \$91,820.02 for the boat ramp project.

**4. Ochlockonee Bay Boat Ramp:**

The first layer of pavement has been completed and the stain to the retaining wall has been applied.

**5. 2010 County Paving Project:**

C. W. Roberts should be in Eastpoint and then move to Carrabelle.

**6. Alligator Dr Lane Shift:**

The lane shift warning signs will be installed by August 3, 2010 announcing the lane shift to begin on August 16, 2010. The local radio stations said they will help with the public notifications.

Commissioner Lockley, based on the information provided, thought the Board should keep Mr. Rothwell as the County Engineer.

**Motion by Lockley, to retain Mr. Rothwell as County Engineer; Motion failed due to a lack of a second.**

Commissioner Sanders stated that this decision was made at a budget workshop and would rather it not be discussed at any further meetings.

**Pam Brownell- Emergency Management Director (9:25 AM)**

Mrs. Brownell had no items for Board action and/or approval.

1. *The Emergency Management office met with the Apalachee Regional Planning Council for the final transportation meeting on Monday August 2.*

2. *The Emergency Management office with the help of the County Health department and Faith Based Organization held its special needs and transportation disadvantage meeting on July 27-28 to update forms and go over procedures.*
3. *On July 28, 2010 the Emergency Management office met with several local housing rental management offices to start working towards putting together an evacuation procedure for their rental properties. We are still working on this plan. We also discussed putting together a planning committee to work out waste-water drainage issue for the islands.*
4. *The following is a total number of tags issued per each re-entry zone as of July 31, 2010*

<i>APALACHICOLA—(Zone1)</i>	<i>276</i>
<i>ST GEORGE ISLAND—(Zone 2)</i>	<i>356</i>
<i>EASTPOINT—(Zone 3)</i>	<i>221</i>
<i>CARRABELLE—(Zone 4)</i>	<i>230</i>
<i>LANARK VILLAGE/ST JAMES/319 NORTH—(Zone 5)</i>	<i>121</i>
<i>ALLIGATOR POINT—(Zone 5)</i>	<i>160</i>
<i>ST TERESA—(Zone 5)</i>	<i>27</i>

Mrs. Brownell updated the Board on the Tropical Depression in the Atlantic Ocean. She said they thought it was going to miss the United States altogether.

Mrs. Brownell discussed a call she had received concerning a grant for a new Emergency Operations Center. She and Mr. Pierce discussed being on the non-competitive list for grant applications.

Commissioner Putnal and Mrs. Brownell discussed having the re-entry program set up in Carrabelle to allow residents on that side of the County to get their re-entry permits.

Commissioner Sanders and Mrs. Brownell discussed re-entry for families with more than one vehicle.

**Alan Pierce – Administrative Assistant – Report (9:28 AM)**

Mr. Pierce presented Item #10 from his report.

*10 – Board direction on submitting a request for reimbursement to BP for the RiverKeepers. As the Board is aware the RiverKeepers have been pro-active in monitoring the oil spill, assisting in developing the county boom plan, and in developing additional protective measures. At this time BP does not have a mechanism for a non-governmental agency to submit for reimbursement of expenses. The RiverKeepers have not suffered a loss of income so they are*

*not eligible to submit a claim, and they did not have an approved contract through Unified Command so they are not eligible for direct response reimbursement, yet they did provide assistance to the county.*

*I have spoken to Mr. Andy Smith, RiverKeeper Executive Director, and he understands that if the Board approves the submission this does not make the county responsible for any expenses the RiverKeepers incurred during this disaster. It is my understanding that if the Board approves the submission it will be done through EM Constellation, which is the state's emergency management tracking system.*

Mrs. Brownell explained the payment process for this type of request, saying that any type of labor done by ABARK would go through the BP claims office but other claims would go to a different entity and needed to be sent to her electronically.

Andy Smith, of Apalachicola Bay and RiverKeepers, said he would work with Mr. Pierce and Mrs. Brownell in submitting these items to them.

Mr. Smith discussed a spreadsheet he constructed showing where their costs incurred.

**Motion by Jackel, seconded by Putnal, to send a letter in support of Apalachicola Bay and RiverKeepers for expenses incurred during the oil disaster; Motion carried 5-0.**

Commissioner Putnal had a complaint of people outside of the County working on beach cleanup while there are many people who live here without any work.

Mrs. Brownell discussed this matter and stated that she would investigate this matter.

Mr. Pierce distributed two documents from Dave McLain regarding the effectiveness of the boom plan and also a meeting held in Washington DC.

**Bill Mahan – County Extension Director (9:39 AM)**

Mr. Mahan had no items for Board action and/or approval but discussed the following items from his report.

*Franklin - UF IFAS Updates*

- 1. HACCP Sensory Training for Oil Tainted Seafood To Be Piloted in Franklin County – In response to U.S. FDA's new receiving step to address oil contaminates in seafood, the UF IFAS FL Sea Grant Seafood Safety Team, will have a pilot training in Franklin County to train seafood processors to use sensory evaluation techniques in their HACCP plans as an added step to insure consumer confidence in seafood products harvested in from the Gulf. The pilot training class will be held on August 4<sup>th</sup> and will target 20 regional seafood dealers. In addition to several local dealers, two representatives from Darden's & two from Outback Restaurants have signed up. Please see attached announcement for additional information.*

2. *“All About You” Health Survey – From July 20-22, members of the Franklin’s Promise Coalition and the Franklin UF IFAS Extension Office worked with a group of healthcare professionals from UF and the University of Maryland to setup a series of interviews with local residents to “take” a mental health and wellness snapshot of seafood industry in Franklin County relative to the BP Oil Gusher. During the three-days of interviews the survey team interviewed 72 - Franklin County residents. According to Dr. Lynn Gratten, survey group leader that number of participants broke a 20 year record for our Neuropsychology Division at the University Of Maryland School Of Medicine. Dr. Gratten and her team will analyze the information they collected and will return in to Franklin County in a few weeks to present a report on their findings.*
  
3. *FWC Discovers Non-Native Lionfish in Gulf of Mexico – Researchers with the FWC’s Fish and Wildlife Research Institute collected two juvenile red lionfish (Pterois volitans) last week from the Gulf of Mexico. With the exception of a probable aquarium release from the Tampa Bay area, the discovery of these lionfish marks the first time this nonnative species has been documented in Gulf waters north of the Tortugas and the Yucatan Peninsula. FWC researchers found the lionfish in the catch from two separate net tows taken at distances of 99 and 160 miles off the southwest coast of Florida, north of the Dry Tortugas and west of Cape Romano. The specimens were taken from depths of 183 and 240 feet as part of a trawl survey funded by the Southeast Area Monitoring and Assessment Program, a cooperative state and federal program. FWC scientists believe the two juvenile lionfish, measuring approximately 2.5 inches in length, are either evidence of a spawning population on the Gulf of Mexico’s West Florida Shelf or they were transported to the area by ocean currents from other potential spawning areas, such as the waters off the Yucatan Peninsula. Either of these scenarios could indicate an expansion of the range of this species in the eastern Gulf of Mexico. Lionfish are nonnative, venomous fish that have been sighted in Atlantic coastal waters of the United States since the mid-1990s and have been reported more recently in the waters of the Florida Keys and Dry Tortugas. Lionfish, specifically the red lionfish and the devil firefish, appear to have established populations in the western North Atlantic Ocean. These species are native to the reefs and rocky crevices of the Indo-Pacific, but were likely introduced into South Florida waters in 1992. To report sightings of lionfish, call the nationwide reporting number (877-STOPANS) sponsored by the U.S. Fish and Wildlife Service and the U.S. Geological Survey (USGS) or fill out an online report on the USGS website at <http://nas.er.usgs.gov/sightingreport.asp>. For more information about lionfish, visit the [USGS website](http://USGS website). Go to [MyFWC.com/Nonnatives](http://MyFWC.com/Nonnatives) to learn more about nonnative species in Florida.*

Commissioner Sanders and Mr. Mahan discussed this item and how several other species have recently been discovered.

Dan Tonsmeire, of Apalachicola Bay and RiverKeepers, updated the Board on the ACF waters matter.

**Discussion - Military Training exercises at the Airport (9:43 AM)**

Tony Perez, of United States Special Operations Command, distributed a handout and asked for Board action to allow the training exercises, named Emerald Warrior, to be conducted in Franklin County again this year. Mr. Perez discussed the planned exercise which will be from February 21 - March 11, 2011.

**Motion by Jackel, seconded by Putnal, to authorize the training exercise, Emerald Warrior, from February 21 – March 11, 2011; Motion carried 5-0.**

**Allan Wooden – AJAX – Carrabelle Urgent Care Clinic – Update (9:45 AM)**

Allan Wooden, of AJAX, updated the Board on the Carrabelle Urgent Care Clinic project. Commissioner Lockley asked if the payment problem had been corrected and Mr. Wooden stated it had been take care of.

**Marcia M. Johnson – Clerk of Courts – Report (9:49 AM)**

Mrs. Johnson presented her report to the Board.

*1-For information, there is a balance in the hospital's capital fund of \$1,316,484.04. The capital fund is currently being used to construct the hospital's facility in Carrabelle.*

*2-For information, Coastal Community Bank opened yesterday under Centennial Bank after entering into purchase and assumption agreements with the Federal Deposit Insurance Corporation (FDIC). All the county's deposits are insured by the FDIC and remain secure.*

Commissioner Putnal asked about the security of customer accounts. Attorney Shuler discussed this matter.

Commissioner Sanders stated that it was sad that this happened in Franklin County as this bank had been in business since 1875.

Attorney Shuler commented on the courtesy and politeness of the Centennial Bank Staff.

Commissioner Jackel asked Mrs. Johnson to repeat the budget public hearing meeting dates and times. Mrs. Johnson replied that the first public hearing will be September 7, 2010 @ 5:15 PM and the final hearing will be September 20, 2010 @ 5:15 PM).

**Alan Pierce – Director of Administrative Services – Report (9:54 AM)**

Mr. Pierce presented his report to the Board.

*1- Board action to allow Mr. Mike Shiver, DOC, to remove the tin from a metal shed behind the Carrabelle Annex for use on a new shed at the Carrabelle Prison complex. Mr. Shiver will use inmate labor to remove the tin and demolish the building. The shed has never been used by the county and has never been maintained by the county.*

*The shed is listed on the lease agreement with the state and I have contacted Mr. Bill Howard, DEP, and he said that if the Board judged the building to be unnecessary and a maintenance issue he had no problem with DOC salvaging the building. Mr. Shiver has made this request in order to save DOC money. Provide Board with pictures of shed.*

The Board discussed this issue with Mr. Pierce.

**Motion by Putnal, seconded by Sanders, to approve contingent upon Attorney Shuler's review and approval; Motion carried 5-0.**

*2- Inform the Board that Michael Moron and I have completed the timeline that county staff has spent on the BP oil response and we have turned it in to Mrs. Brownell for reimbursement. Michael documented 45 hours of meeting time from May 5 to July 6.*

Commissioner Jackel asked for clarification on what the reimbursement would be for and Mr. Pierce said it would be for the County to be reimbursed for his, Attorney Shuler and Mr. Moron's time.

*3- Inform the Board that Progress Energy is having a public informational meeting at the Armory in Apalachicola on Thursday, August 5, from 5 to 7 PM to present information regarding the replacement of the Progress Energy transmission from the Apalachicola substation to Eastpoint.*

*4- Board action to request \$20,000 of TDC infrastructure funds to replace the playground equipment at the St. George Island County Park. This item was discussed at the budget workshop. A child was injured last week at the Park and I have asked Nikki Millender to find out how fast replacement equipment can be ordered.*

Commissioner Lockley asked for research to be done for all County Parks equipment. Commissioner Jackel asked Mr. Pierce to look into the playground equipment at the Old Ferry Dock Park being replaced also.

**Motion by Sanders, seconded by Putnal, to approve replacement of playground equipment at the St. George Island County Park and direct Parks and Recreation to investigate all County parks for dangerous playground equipment; Motion carried 5-0.**

Commissioner Jackel asked that the Lighthouse Park Administration be contacted before the new equipment is ordered.



5- Board action to approve Change Order No. 2 for the Ochlockonee Boat Ramp project for \$22,800 worth of additional improvements at the site. The improvements include some additional work for the stormwater pond and some additional work on the parking lot to protect it from potential damage when DOT comes in to work on the Ochlockonee Bridge itself. There are grants funds available for this.

**Motion by Sanders, seconded by Jackel, to approve Change Order No. 2 for the Ochlockonee Boat Ramp in the amount of \$22,800 for additional improvements to the site; Motion carried 5-0.**

6- Board action to approve Change Order No. 3 for the Ochlockonee Boat Ramp to pay for \$6000 worth of inspection fees to cover the additional work and time extension the Board has previously requested. There are grant fund to pay for this.

**Motion by Sanders, seconded by Jackel to approve Change Order No. 3 for the Ochlockonee Boat Ramp in the amount of \$6,000 for inspection fees; Motion carried 5-0.**

7- Board action to approve a site plan for the development of the property the county purchased in Eastpoint, formerly known as the old Allen Brothers Seafood site, and currently known as the Eastpoint Pavilion. As the Board may recall, the Dept. of Agriculture and Consumer Services provided the county with \$60,000 for improvements to the site as the site is to be used to increase water access for seafood products.

Of the \$60,000 approximately \$15,000 has been spent clearing the property and rebuilding the existing 160 feet of dock. The dock is currently being used. Commissioner Jackel, Mr. Jack Husband, and I have developed a site plan to maximize the use of the property with the funds available. (Pass out site plan.)

The main component of the site plan is the construction of an open air pavilion in the center of the property that will allow seafood workers to be able to drive behind the pavilion to access the dock for unloading oysters directly from the dock onto their trucks. The pavilion will be available for a variety of uses. The building is 24x48 with a 5 foot wide handicap ramp for access one side. There will be conventional stairs in the front. The total cost of the building including handicap ramp is approximately \$35,000.

The Board needs to approve the site plan before staff moves forward with any construction. All improvements to this site are being paid with state grant funds.

Commissioner Putnal asked if this pavilion can be used for community events for residents, churches, and other local events and Mr. Pierce said it would be available to the public.

Mr. Pierce and the Board discussed the property and possible additional uses.

**Motion by Jackel, seconded by Putnal, to approve site plan for the development of property in Eastpoint (old Allen Brothers Seafood site) purchased by the County; Motion carried 5-0.**

8- Inform the Board that all of 24<sup>th</sup> St in Apalachicola is going to be paved under the current county contract with C.W. Roberts. Commissioner Lockley initially did not have enough funds to pave the entire road but in negotiations with the City the City has agreed to pay the additional \$9,000 so the entire road can be re-surfaced. The entire price for the road is approximately \$178,000.

9- As the Board heard at the budget workshop, the State Attorney's Office has been having a moisture/air conditioning problem. The Building Official and I have consulted and have sought solutions from different air conditioning contractors in the county. We have been seeking proposals for over a month and at this time only one local firm has responded. The Finance Office asks that the Board deal with the State Attorney's problem this fiscal year so that we can deal with the elevator in the courthouse starting in October. I recommend the Board declare this a sole source and authorize Gunn Heating and Air to fix the problem.

**Motion by Sanders, seconded by Putnal, to declare the moisture/air conditioning repairs to the State Attorney's Office an emergency and to allow Gunn Heating as a sole source provider; Motion carried 5-0.**

10 – Board direction on submitting a request for reimbursement to BP for the RiverKeepers. As the Board is aware the RiverKeepers have been pro-active in monitoring the oil spill, assisting in developing the county boom plan, and in developing additional protective measures. At this time BP does not have a mechanism for a non-governmental agency to submit for reimbursement of expenses. The RiverKeepers have not suffered a loss of income so they are not eligible to submit a claim, and they did not have an approved contract through Unified Command so they are not eligible for direct response reimbursement, yet they did provide assistance to the county.

I have spoken to Mr. Andy Smith, RiverKeeper Executive Director, and he understands that if the Board approves the submission this does not make the county responsible for any expenses the RiverKeepers incurred during this disaster. It is my understanding that if the Board approves the submission it will be done through EM Constellation, which is the state's emergency management tracking system.

This item was addressed earlier in the meeting.

11- Board reminder- The Board must select one project for submission to DOT for funding by August 20. The Board could select more than one project but DOT is only going to fund the top priority for this cycle. The central criterion is the improvement should demonstrate that it relieves congestion on the State Highway System.

The Board discussed roads in different districts that would apply for this funding.

Commissioner Jackel asked that an information packet be put together with all of the vital information concerning each road so the Board can decide which roads to repair.

12- For the record, Pam Brownell, EM Director, renewed the local state of emergency on July 26, and August 2.

13- Mr. Ted Mosteller, Airport Advisory Committee Chairman requests Board support for a project that was previously submitted as a DOT TRIP project in 2007, and was not funded, and now Mr. Mosteller would like to submit the project for funding under TIGER II, which is a Stimulus funding source. The project would be 100% grant funded if awarded. The total estimated cost is \$14.5M. The project is described below:

The overall project would construct a loop parallel taxiway for Runway 18/36 to provide access to the Industrial and Commerce park and in particular a planned 40,000 sf Hangar/24,000 sq office complex at the Franklin County/Apalachicola Regional Airport. The entire project would provide approximately 6,000 feet of new taxiway (including connectors and storm water treatment) on the east side of Runway 18/36. The taxiway would basically have an asphalt surface and be equipped with medium-intensity taxiway edge lights. Storm water runoff treatment and piping is also included in this project. The Hangar will house maintenance facilities for C 130 aircraft and support shops and office complex. The 300 x 300' concrete Apron will border the Hangar. The complex will also contain parking for approximately 50 vehicles for employees, etc., entrance roads, landscaping/storm water management, lighting, 20,000 gal Jet Fuel Farm (a separate project) and FAA regulation security fencing/gates.

The deadline for submitting the application is August 23. If the Board is interested in submitting the project a Resolution of Support for the project needs to be approved. There is a prospective tenant for the project- the L3 Corporation whose purpose is to provide contract military training. The maintenance hangar would be for a C-130 that would be used in military exercise. Mr. Mosteller is aware that the chance of funding is very slim.

Commissioner Jackel asked for an update on the current hangar that is being built and its use, especially since there is no current lease in place for this building. She said the unoccupied buildings at the airport concern her.

The Board and Mr. Pierce discussed this matter further.

**Motion by Lockley, seconded by Putnal, to support the proposed Apalachicola Airport project; Motion carried 5-0.**

**T. Michael Shuler – County Attorney – Report (10:19 AM)**

Mr. Shuler presented his report to the Board.

3-Approval of School Board Request That the County Direct the Supervisor of Elections to Hold an Election November 2010 Seeking Voter Approval of the School Board's Millage Allocation

*§1011.73, Florida Statutes, authorize the School Board to make certain school district millage elections, subject to voter approval. The Statute does not allow the School Board to call the election. Consistent with policy, the statute requires the County to call the election requested by the School Board.*

*The School Board requests that you call an election and direct the Supervisor of Elections to place the following question on the November 2010 election. A copy of the school board ballot question is attached and speaks for itself.*

*The request for voter approval, the form of the ballot and the total expense for the publication of the notice of the election and all expenses of the election in the school district shall be paid by the district school board.*

*ACTION REQUESTED: Motion calling for an election on the school board's millage selection*

**Motion by Jackel, seconded by Putnal, to approve holding an election November 2010 seeking voter approval of the School Board's millage allocation; Motion carried 5-0.**

#### *NON-ACTION ITEMS*

##### *4. Road Department Work Force Adjustment*

*Attached is a copy of my memorandum to Hubert Chipman following his request to me concerning his authority to make a work force adjustment at the road department and the process which he must follow. The memorandum speaks for itself.*

*Mr. Chipman will address this at the August 3, 2010 meeting.*

##### *5. Road Department Memorandum re: Willie E. Mathes*

*At the last meeting, I provided the Board with a copy of my signed memorandum to Mr. Chipman concerning possible alternatives for Mr. Mathes to seek additional leave time for medical reasons under circumstances when he no longer has any accrued sick time left. That memorandum speaks for itself.*

*To date, Mr. Mathes has not availed himself of this opportunity to seek additional leave time due to medical reasons.*

*I attach another copy, unsigned, for your information.*

##### *6. St. George Island Utilities Rate Increase*

*At the last meeting, I provided the Board with a copy of my signed letter of objection to the PSC. The letter speaks for itself.*

*I attach another copy, unsigned, for your information.*

##### *7. Florida Association of County Attorneys*

*For your information, during the June 2010 Annual Conference, I was elected to the Board of Directors for the Florida Association of Counties.*

##### *8. Florida Association of Counties Deepwater Horizon Legal Task Force*

*I was asked to join this task force by the Florida Association of County Attorneys. The purpose the legal task force is to assist the FACIFLC/FSBA Joint Task Force on Economic Recovery. The legal task force will become informed on the issues facing Florida's counties in the aftermath of the oil spill, develop legal strategies to preserve, protect and compensate Florida's counties and evaluate other's legal strategies as they are made known to the counties.*

**9. David Rash, Esquire**

*Mr. Rash is the attorney the Board hired to assist it in the event the Board elects to initiate litigation. I wanted the Board to know that I am holding his contract unexecuted until such time as the Board elects to move forward. In reviewing his contract, I am concerned with the one-third contingency fee he is charging.*

*Although that is a fairly standard fee in most instances, I believe we can negotiate that down because of the number of clients he represents having the same or substantially similar issues spreads his costs and because if he is successful in become a lead plaintiff, he will get an additional fee from any recovery. The Board should consider reducing that fee from one-third to maybe twenty percent.*

*Also, I have told Mr. Rash not to deliver correspondence to BP or otherwise communicate with them or file any lawsuits until he returns to the Board for further instructions.*

**10. Pat Kinser and Kathleen Kinser**

*The Planning and Zoning Department recently consulted with me concerning the Kinser's request to renew two building permits. Each permit is for a condo-tels. The condo-tels authorized by the permits are no longer permitted under present county regulations. In sum, the Kinser's were allowed to renew the two permits, but must continuously progress with construction to completion within the time allowed by the county's building regulations, or the permits will become invalid. If the permits become invalid, the Kinser's will have to apply for new permits, which will then be subject to the new building code. A copy of the letter is attached.*

**Public Hearing – Consider land swap with the City of Apalachicola (10:20 AM)**

Attorney Shuler provided maps and discussed the provisions of the proposed property swap.

*On April 30, 2010, the City of Apalachicola and Franklin County agreed in principal to a land swap. This public hearing has been duly advertised twice (July 22 & 29, 2010).*

*The authority for the land swap is found in §125.37, Florida Statutes. This statute allows the county to determine that the land to be exchanged is not needed for county purposes and that it is in the best interests of the county exchanged for other property which the county desires to acquire for county purposes.*

*The County's purpose in acquiring the lots is to acquire land to facilitate the construction of the new hospital in Apalachicola as called for by the hospital surtax and to acquire land for affordable housing in Apalachicola.*

a. *The City of Apalachicola would deed to Franklin County all its right, title and interest in Washington Square, Apalachicola, Florida to Franklin County. The City is believed to own a parcel 160 feet wide and 180 feet long in the Southeast corner of the square.*

b. *Franklin County would deed to the City of Apalachicola all its right, title and interest in the following parcels to the City:*

i. *All of Lot 2, Block 154, Apalachicola, Florida.*

ii. *Fractional Lot 5, Block 64, Apalachicola, Florida.*

iii. *Fractional Lot 3, Block 18, Apalachicola, Florida.*

iv. *Fractional Wharf Lot 6, Apalachicola, Florida.*

c. *In addition, the City will donate two buildable lots to the Franklin County Land Trust for the purpose of constructing affordable housing. Before the land swap, the City of Apalachicola owns 49 total parcels with the City of Apalachicola. Buildable lots within the City of Apalachicola must be 60' wide by 100' long.*

d. *Franklin County will also donate two buildable lots to the Franklin County Land Trust for the purpose of constructing affordable housing. Before the land swap, the County owns 26 total parcels within the City of Apalachicola. Buildable lots within the City of Apalachicola must be 60' wide by 100' long.*

e. *All of the lots mentioned above are not improved with any buildings or structures, but the City property at Washington square is partly improved by the entry road into Weems Hospital.*

*This is a public hearing at which the public may comment.*

*ACTION REQUESTED: Motion authorizing a resolution approving of the above land swap and authorizing the chairman to select the two lots to be donated to the Franklin County Land Trust.*

Betty Webb, of City of Apalachicola, explained that the traded lots would be held for future use but there were no definitive plans at this time.

Commissioner Lockley asked if the City of Apalachicola had received any funding for affordable housing and Ms. Webb said at this time nothing had been received.

The Chairman opened the floor for public comments:

Leslie Coon, of Apalachicola, asked that construction standards are met for the affordable housing lots and also would like to know which lots would be used for affordable housing because several SHIP homes that were built in the area of her property were not built to standards.

Attorney Shuler responded to Ms. Coon's concerns and said that all lots accepted into the County's Land Trust must be buildable. He said that several lots would be submitted for trade and it would be up to the Chairman to decide which lots would be selected.

Ms. Webb also responded to Ms. Coon concerns, saying that the SHIP homes she is concerned about were built during a time before the City was assuring that historic guidelines were met.

Commissioner Lockley asked Ms. Webb if the SHIP homes were built to code and she said they were.

Commissioner Jackel said she would like to see which lots are selected for affordable housing before submission.

**Chairman Parrish opened the floor for public comment.**

Willoughby Marshall, of Apalachicola, was in favor of using the lots for affordable housing but was not in favor of the City of Apalachicola giving up its rights for Washington Square in the land swap, due to its historical significance.

George Coon, of Apalachicola, had concerns of the half lots that are located close to his residence.

Keith Hardy, of Apalachicola, asked if a stipulation could be included in the land swap documentation that would require certain building standards.

Chairman Parrish responded to this concern, saying Mr. Hardy is asking the County about building standards that would have to go before the City of Apalachicola and would be decided by the City Commission. Chairman Parrish said the County is just coming to the forefront to make lots in Apalachicola available for affordable housing, just as the City of Carrabelle has done. He said this swap is being created to improve the quality of life for the people of Franklin County.

Attorney Shuler also responded to this concern, saying the City has committed that it will apply its own zoning code to itself. He said the City Administrator expressed earlier that the City is committed to following its own code so he didn't recommend putting any kind of stipulation in the agreement. He said the City is dedicated to imposing restrictions on contractors to protect the historical integrity of Apalachicola.

John Sink, of Franklin County Community Development Land Trust Corporation, supported the land swap and the designation of lots for affordable housing.

Commissioner Putnal and Attorney Shuler discussed the locations and possible uses of the proposed lots.

Marie Marshall expressed her concerns regarding the advertisement. She believed the proponents were different than what was advertised.

Attorney Shuler said the advertisement was a legal advertisement for the land swap.

George and Leslie Coon, of Apalachicola, discussed their issues with the lots that will be used for affordable housing.

Chairman Parrish explained that this public hearing was set to discuss the land swap, not building affordable housing units. He said the County Commission had no authority over the City of Apalachicola's regulations.

Commissioner Sanders asked if there would be a problem in the future with the use of Washington Square, which would be different from the City of Apalachicola's Comprehensive Plan.

Commissioner Jackel asked if the City of Apalachicola had held a public hearing on this matter and Ms. Webb said she thought it was advertised jointly.

Commissioners Sanders and Jackel both had concerns with the statements by the public against this swap and discussed greens space for city squares.

Attorney Shuler discussed the original conveyance of Washington Square and how it has changed hands over the years.

Ms. Webb discussed the City's 1991 Comprehensive Plan and greens space for all city squares. The Board and Attorney Shuler discussed this matter further.

**Motion by Lockley, to approve the land swap as presented; Motion failed for a lack of second.**

**Recess (11:09 AM)**

Chairman Parrish called for a recess.

**Reconvene (11:38 AM)**

Chairman Parrish reconvened the meeting.

**Public Hearing – Consider land swap with the City of Apalachicola – Continued (11:38 AM)**

**Motion by Lockley, seconded by Sanders, to direct Attorney Shuler to ask that the City of Apalachicola further address and clarify the 1991 Comprehensive Plan as it applies to the land swap and the City squares; Motion carried 5-0.**

**Public Hearing – Consider an Ordinance to increase Courthouse Facilities Fees (11:38 AM)**

Attorney Shuler presented this item to the Board.

*Proposed Ordinance Increasing the Court House Facilities Fee from \$15.00 to \$30.00*

*In 2004, the County adopted an ordinance imposing a \$15.00 fee on noncriminal traffic infractions and criminal violations of §318.17 (such as fleeing and eluding, leaving the scene of a crash, Dill, reckless driving, false reports refusing to obey the lawful orders of a police officer, etc). Non-criminal traffic infractions would include speeding tickets and parking fines.*

*The purpose of the fee is to fund certain state court facilities.*

*Presently, the \$15.00 fee has raised about \$27,000.00 per year from 2005-2008. To date, the fee has been used to fund security at the local courthouse. If the Board agrees to increase it is expected that the funds raised would average around \$54,000.00.*

*I have drafted the ordinance such that the funds must have prior approval of Franklin County before they may be expended. This is a public hearing at which the public may comment.*

*A copy of the ordinance is attached.*

***ACTION REQUESTED: Motion to enact the ordinance.***

Attorney Shuler discussed the proposed ordinance.

Commissioner Jackel asked about the use of this fee.



Attorney Shuler explained that it would be used for courthouse security expenses and maintenance on security equipment.

Mr. Pierce and Mrs. Johnson also commented on this item, saying the fee is also used for courthouse and security maintenance.

Commissioner Jackel said if this wasn't going to benefit the people of the County then she wasn't in favor and also said she would like a breakdown of where the funding is spent.

Attorney Shuler said the Board would ultimately decide how the money is used. He explained that Article V of our Constitution made the County responsible for court facilities and this was a way to help the County fund a State-mandated service.

**Chairman Parrish opened the floor for public comments.**

Steve Fling, of Alligator Point, stated that local residents would have to pay this fine and Mrs. Johnson explained that most traffic tickets are written to out of town residents.

The Board discussed whether this fund might be used to help alleviate some of the budget deficit.

Mrs. Johnson said Franklin County is the only County that hasn't adopted the increase in court facilities fees.

There was further discussion on this matter.

**Motion by Lockley, seconded by Putnal, to approve increasing the Courthouse Facility Fee from \$15 to \$30; Motion carried 4-0, Jackel opposed.**

**Alan Pierce – Director of Administrative Services – Report (12:00 PM)**

*14- Ranking of proposals for ambulance service from yesterday's workshop. The Board heard two presentations – Lifeguard Ambulance Service, and Priority Emergency Medical Services. The Board must decide on which proposal it ranks first, and then direct staff to negotiate a contract with that firm. If negotiations fail the Board would then have the option negotiate with the second ranked firm.*

Commissioner Lockley asked what the previous amount was for the subsidy paid to and who provided ambulance service to the County in the past.

Mr. Pierce said it was along the lines of \$300,000 but they came back in several times asking for more money.

Commissioner Jackel asked how the Board would be involved while Staff is negotiating with the number one ranked firm. Mr. Pierce proposed that the Board rank the firm, and then allow him to go to the hospital with the information and have answers received directly from the firm.

Commissioner Jackel would like all concerned parties involved in negotiations.

Mr. Pierce discussed this issue with the Board.

Jason Kimbrell, of Lifeguard Ambulance Service, commented on negotiations and the role his company will play with the community. He said Lifeguard didn't want to overpromise and under-deliver to the County.

Commissioner Jackel mentioned gathering information on statistics to present to Lifeguard and to decide which level of ambulance service is needed.

Commissioner Sanders said she wanted to get the best service possible.

Attorney Shuler said there was a second applicant but they were not licensed in the State of Florida so didn't feel like they should be considered.

**Motion by Putnal, seconded by Sanders, to rank Lifeguard Ambulance Service as the only responsive firm and to negotiate a contract before the September 7, 2010 meeting; Motion carried 4-1, Lockley opposed.**

**Commissioners' & Public Comments (12:12 PM)**

Commissioner Sanders mentioned writing a letter to DOT concerning reducing the speed around the Catholic Church in Lanark Village on Highway 98.

Commissioner Sanders discussed addressing flooding problems in the same area and said DOT needs to address this problem.

Commissioner Jackel asked for an update on the DOT project at the turning radius at the St. George Island Bridge and Mr. Pierce said it was awarded to C.W. Roberts but there was an issue with rocks that needed to be removed.

Mr. Pierce said there were still rocks in the area that needed to be removed before the project begins and discussed this issue further.

Commissioner Jackel suggested moving the rocks to the County storage location until they are needed in another location.

**Motion by Jackel, seconded by Putnal, to have C.W. Roberts relocate rocks to a storage location to use if needed with this project and once the project is completed dispose of the rocks if the County is not allowed to use for a revetment; Motion carried 5-0.**

Commissioner Sanders asked about paving project extension and Clay Kennedy, of Preble-Rish, stated that the contract was extended to Sept 30, 2010.

Commissioner Lockley asked for an update on when 24<sup>th</sup> in Apalachicola will be paved and Mr. Kennedy said he thought it was next week.

**Adjourn (12:18 PM)**

There being no further business, Chairman Parrish adjourned the meeting.

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Joseph Parrish – Chairman, FCBCC

Attest:

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Marcia M. Johnson – Clerk of Courts